

August 11, 2016

National Freedom of Information Officer
United States Environmental Protection Agency
Office of Environmental Information,
Records, FOIA, and Privacy Branch
1200 Pennsylvania Avenue NW (2822T)
Washington, D.C. 20460

Regional Freedom of Information Officer
U.S. Environmental Protection Agency, Region 10
Office of Ecosystems, Tribal and Public Affairs
1200 6th Avenue ETPA-124
Seattle, WA 98101

**Re: Lower Willamette Group
Freedom of Information Act Request
Portland Harbor Superfund Site**

To Whom It May Concern:

This is a request for agency records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Specifically, this request concerns United States Environmental Protection Agency (EPA) records related to the Portland Harbor Superfund Site (Site) in Oregon. This FOIA request is submitted by certain individual members of the Lower Willamette Group (LWG) (specifically, Arkema Inc., Bayer CropScience, Inc., BNSF Railway Company, Chevron U.S.A. Inc., Evraz Inc. NA, Gunderson LLC, Kinder Morgan Liquids Terminals, NW Natural, Phillips 66 Company, Siltronic Corporation, TOC Holdings Co., and Union Pacific Railroad Company), and is intended to supplement and narrowly expand upon a prior FOIA request (EPA-R10-2016-005907) submitted to EPA by the LWG on April 4, 2016. As such, each of the queries stated below is specifically limited to agency records and communications dated, created, obtained, or received by EPA from April 5, 2016 to the present.

Throughout this request, the terms “agency records” and “records” are used interchangeably, and they are intended to have the broadest and most inclusive meaning possible under the FOIA. As such, the term “agency records” includes, but is not limited to, all documents, agreements, contracts, reports, analyses, memoranda, communications, transcripts, minutes,

notes, bulletins, worksheets, schedules, calendars, drawings, photographs, renderings, figures, diaries, workpapers, presentations, data compilations, spreadsheets, databases, and communications created, received, or obtained by EPA and under EPA's control at the time of this request. See *U.S. Dep't of Justice v. Tax Analysts*, 492 U.S. 136, 144-46 (1989).

Specifically, the terms "agency records" and "records" include, but are not limited to, all agency records in electronic, hard copy, or any other tangible or graphic format, however produced or reproduced, including audio or video recordings. "Communications" means any and all recorded communications within, to, or from EPA (and to or from EPA's consultants and contractors working on the Site), including letters, electronic forms and submissions, emails, and text messages, including any attachment or enclosure included with the communication. "Communications" includes those communications generated by or contained on both government-issued and personal email accounts, computers, tablets, phones, and other electronic communication devices, whether or not sent or received under pseudonym or alias. "Communications" also includes any communications between EPA Region 10, EPA Headquarters, the Oregon Department of Environmental Quality, and the U.S. Army Corps of Engineers. This request is for agency records of EPA as a whole, and it is therefore not limited to agency records of EPA Region 10.

On behalf of the individual LWG members identified above, we request copies of the following agency records:

1. All agency records discussing, mentioning, or otherwise related to EPA's preparation, finalization, and issuance of a Feasibility Study for the Site.
2. All agency records discussing, mentioning, or otherwise related to EPA's preparation, finalization, and issuance of a Proposed Plan for the Site.
3. All agency records discussing, mentioning, or otherwise related to EPA's preparation, finalization, and issuance of a Record of Decision for the Site.
4. All agency communications discussing, mentioning, or otherwise related to the Site.
5. All agency records relating to EPA preparation for and comments made or received at any of the public meetings on the Proposed Plan held by EPA.
6. To the extent not described by or encompassed within the four preceding queries, all agency records discussing, mentioning, or otherwise related to the Site.

If a given agency record is responsive to more than one individual request or is found in more than one location, EPA need not provide multiple copies or duplicates of the same record. In addition, we are not requesting that EPA provide us with documents that have already been provided to the LWG or that are publicly available, so long as EPA identifies those records and, if they are publicly available, a location at which they can be obtained.

We will accept responsibility for the reasonable and necessary costs associated with EPA's response to this request, including reasonable standard charges for document searching and duplication, up to a maximum amount of \$10,000.00. See 5 U.S.C. § 552(a)(4)(A)(ii)(III); 40 C.F.R. § 2.102(d). If EPA determines that the reasonable and necessary costs of responding to this request will exceed \$10,000.00, please contact us as soon as possible to discuss payment. If for some reason copies of certain records cannot be made or provided, we request an opportunity to view and inspect those records.

We invite you to contact us as soon as possible to arrange for delivery of the agency records requested. In the meantime, we appreciate your prompt attention to this request, and look forward to your response.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Loren R. Dunn', with a long horizontal flourish extending to the right.

Loren R. Dunn

On behalf of the individual
Lower Willamette Group
members identified above.

cc: Lori Cora, U.S. EPA Region 10
Sheila Fleming, U.S. EPA Region 10